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**Federal Communications Commission**

WASHINGTON, D. C. 20554

Federal Communications Commission  
Office of the Secretary

ORIGINAL  
FILE

In the Matter of

Amendment of Parts 2, 90 of the  
Commission's Rules to Permit  
Increased Use of Frequencies in the  
156-162 MHz Bands by Industrial and  
Land Transportation Private Land  
Mobile Radio Services

RM-7956

To: The Commission

**OPPOSITION TO PETITION FOR RULEMAKING**

Associated Public-Safety Communications Officers, Inc.  
("APCO") hereby submits the following Opposition to the  
above-captioned Petition for Rulemaking filed by the Council  
of Independent Communication Suppliers ("CICS").

APCO has over 8,500 members and is the nation's oldest  
and largest public safety communications organization  
representing the interests of all elements of the public  
safety radio community. APCO is the FCC certified frequency  
coordinator for all Part 90 Police, Local Government and 420  
MHz and 800 MHz Public Safety Service channels. APCO  
frequently participates in FCC proceedings regarding  
allocation and use of the radio spectrum. Recently, APCO  
filed extensive Comments and Reply Comments in the  
Commission's spectrum "refarming" proceeding. In the Matter  
of Spectrum Efficiency in the Private Land Mobile Radio

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Bands in Use Prior to 1968, PR Docket 91-170, (released July 2, 1991).

CICS states that its Petition "is based on a simple and well known fact: in many areas of the country, the demand by [Industrial/Land Transportation] eligibles for 150-162 MHz band systems greatly exceeds the supply of spectrum allocated to those eligibles in that band." CICS Petition at 2-3. However, CICS has not provided sufficient evidence to support this claim. No specific data is offered regarding channel loading on these or other alternative Industrial/Land Transportation frequencies. Moreover, APCO notes that serious documented shortages of spectrum in the 150-170 MHz do exist for Public Safety, Special Emergency and other eligibles. Alleviating spectrum shortages for all users of frequency bands under 470 MHz was precisely the reason that the Commission initiated its spectrum "refarming" proceeding, and it is there -- not in a special rulemaking -- that CICS's concerns should first be addressed.


The CICS proposal provides a good example of the type of spectrum refarming that can occur below 470 MHz. However, the CICS proposal is premature until the Commission charts an overall course for gaining more efficient use of the spectrum. Indeed, the CICS Petition, if granted at this time, could actually frustrate the Commission's future efforts to refarm the spectrum for all users, not just Industrial/Land Transportation eligibles.

The 150-170 MHz band is currently divided into both 25 kHz and 30 kHz channels. The vast majority of parties filing comments in the refarming proceeding agreed with the Commission that reducing these and other bandwidths was possible and necessary to increase efficient use of the spectrum. However, it was also agreed by most parties that without a standard bandwidth scheme (e.g., 30-15-7.5 kHz or 25-12.5-6.25 kHz channels) it would be difficult to achieve the maximum benefit of channel splitting. Thus, dividing some channels in the 156-162 MHz band to 12.5 kHz bandwidths now, as urged by CICS, would be inconsistent with potential splitting of other channels in the 150-170 MHz band to 15 kHz, and eventually 7.5 and 5 kHz bandwidths.

Therefore, APCO urges the Commission to deny the CICS Petition for Rulemaking, or at least hold it in abeyance until an overall spectrum refarming plan is developed.

Respectfully submitted,

ASSOCIATED PUBLIC-SAFETY  
COMMUNICATIONS OFFICERS, INC.

By:   
Ronnie Rand, President

Of Counsel:

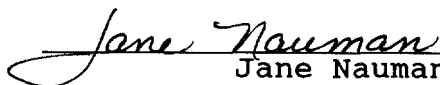
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May 4, 1992

CERTIFICATE OF SERVICE

I, Jane Nauman, a secretary in the law offices of Wilkes, Artis, Hedrick & Lane, hereby certify that a copy of the foregoing "Opposition to Petition for Rulemaking" was sent this 4th day of May, 1992, by first-class mail, postage prepaid, to the following individual at the address listed below:

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